

REMARKS

Claims 2-4, 13-14, 18 and 25 are rejected under 35 USC §112, second paragraph, as allegedly being indefinite.

Claims 1, 5-12, 15-17, 19-24 and 26 are rejected under 35 USC §102(b), as allegedly being anticipated by MacPherson (US 5,858,500).

Applicants respectfully traverse the §112 and §102(b) rejections with the following arguments.

35 U.S.C. § 112

By this amendment, claims 2-4, 13-14, 18 and 25 have been amended to remove the term "approximately" objected to by the Examiner.

35 U.S.C. § 102(b)

Applicants respectfully contend that MacPherson does not anticipate independent claims 1, 11, 15, 21 and 26 because MacPherson does not teach each and every feature of these claims. For example, MacPherson does not teach "heating the enclosed assembly" or "enclosed card", as recited in claims 1, 15 and 21, respectively, and "applying heat to the enclosed cryptographic processor", as required in claim 11. Likewise, MacPherson fails to teach an apparatus for securing a security enclosure comprising a base, a first arm, a second arm and a traversing mechanism, as required by claim 26.

In contrast, MacPherson teaches away from the use of heat during formation, as required in claims 1, 11, 15 and 21 of the present invention. In fact, MacPherson states that during

formation "[p]referably..., the fluid material [within the enclosure] hardens at a relatively low temperature, to minimise (sic) the possibility of heat damage to the inner enclosure", and that "[a] cold pour polyurethane system has been found suitable, and also has the advantage of a relatively short cure time", (MacPherson, col. 2, lns. 62-67, emphasis added). Furthermore, although the Examiner was able to *allege* that portions of the claims were disclosed in MacPherson, Applicants point out that there was not even an assertion by the Examiner that any such heating step existed in MacPherson (Office Action of May 28, 2004, pages 2-3, paragraphs 3-8).

With respect to claim 26, Applicants respectfully contend that claim 26 does not read on MacPherson. The Examiner alleges that the formation steps described in column 2, lines 18-24 of MacPherson "meet the limitations" of using the apparatus. The Examiner has, however, failed to specify the structural features of MacPherson that allegedly teach the structural features recited in claim 26 of the present invention. Accordingly, Applicants respectfully request that the Examiner identify these structural features so that Applicants can properly evaluate the Examiner's rejection.

Based on the preceding arguments, Applicants respectfully maintain that MacPherson does not anticipate claims 1, 11, 15, 21 and 26, and that claims 1, 11, 15, 21 and 26 are in condition for allowance. Furthermore, since claims 2-10 depend from claim 1, claims 12-14 depend from claim 11, claims 16-20 depend from claim 15, and claims 22-25 depend from claim 21, Applicants contend that claims 2-10, 12-14, 16-20 and 22-25 are likewise in condition for allowance.

Conclusion

Based on the preceding arguments, Applicants respectfully believe that claims 1-26 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Jack P. Friedman
Jack P. Friedman
Reg. No. 44,688
For: Kristen L. Ashdown
Reg. No.: 43,682

Date: 07/12/2004

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, NY 12110
(518)220-1850

Best Available Copy